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15 **UNITED STATES DISTRICT COURT**  
16 **NORTHERN DISTRICT OF CALIFORNIA**  
17 **SAN FRANCISCO DIVISION**  
18

19 DAVID M. CATHCART, JAMES H.  
WHITEHEAD, ROBERT W. DECKER, DALE  
20 BALDISSERI, individually, and on behalf of all  
others similarly situated,

21 Plaintiff,

22 v.

23 SARA LEE CORPORATION, SARA LEE  
24 BAKERY GROUP, EARTHGRAINS BAKING  
COMPANIES, INC. (formerly sued as DOE 1)  
25 and DOES 2 through 20,

26 Defendants.  
27  
28

Case No. CV 09-5748 MMC

**STIPULATION FOR LEAVE TO  
MODIFY THE SCHEDULING ORDER  
TO EXTEND MOTION, DISCOVERY,  
AND MEDIATION DATES**

**~~PROPOSED~~ ORDER**

The Honorable Maxine M. Chesney

Complaint filed: December 8, 2009

1 The parties stipulate as set forth in the numbered paragraphs below, based on the  
2 following facts:

3 The Scheduling Order (Dkt. No. 33) set original deadlines in this matter. The discovery  
4 and motion deadlines have previously been continued by stipulated order (see Docket Nos. 35,  
5 44, 52, 56, and 58). The deadline to complete mediation has also been continued by stipulated  
6 order (see Docket Nos. 54 and 58). The current deadlines are as follows:

7 A. Deadline for parties to complete mediation: August 5, 2011;

8 B. Close of discovery on Labor Code § 514 and Motor Carrier Act exemptions: July 8,  
9 2011;

10 C. Deadline for filing of Defendants' motion(s) for summary judgment on Labor Code §  
11 514 and Motor Carrier Act exemptions: July 22, 2011;

12 D. Deadline for filing Plaintiffs' opposition to above motion(s) and cross-motion:  
13 August 12, 2011;

14 E. Deadline for reply on Defendants' motion(s) and opposition to cross-motion: August  
15 19, 2011;

16 F. Hearing on above motion(s): September 9, 2011, 9:00 a.m.;

17 G. Deadline for Plaintiffs to file motion for class certification: March 2, 2012;

18 H. Deadline for Defendants to file opposition to motion for class certification: April 20,  
19 2012;

20 I. Deadline for Plaintiffs to file reply on motion for class certification: June 8, 2012;

21 J. Hearing on motion for class certification: June 29, 2012, 9:00 a.m.

22 K. Case Management Conference: August 10, 2012.

23 The parties most recently stipulated (in May 2011) to extend the discovery and motion  
24 deadlines in this matter due to a class action jury trial that Plaintiffs' counsel was required to take  
25 over on very short notice, three weeks before the start of trial. That trial has concluded, and the  
26 parties have met and conferred regarding rescheduling the depositions of the named Plaintiffs  
27 and of Defendants under Federal Rule of Civil Procedure 30(b)(6). The parties have scheduled  
28 these depositions for the week of July 25, 2011, the nearest dates available due to scheduling

1 conflicts of both parties and counsel. To accommodate these depositions and the subsequent  
2 filing of Defendants' motion for summary judgment, the parties agree to an additional, short  
3 extension of discovery and motion deadlines.

4 Further, the parties believe it would be extremely helpful to have the benefit of the  
5 Court's ruling on the initial motion(s) for summary judgment (potentially affecting the scope of  
6 at least some of Plaintiffs' claims) before conducting mediation in this case. Therefore, the  
7 parties respectfully request that the Court consider a further continuance of the mediation  
8 completion deadline to a date following the summary judgment hearing.

9 The parties presently believe extension of these deadlines and hearing dates as listed  
10 below is necessary and appropriate and will not prejudice either party.

11 WHEREFORE, THE PARTIES STIPULATE and request that the Court order that the  
12 Scheduling Order (Docket Non. 33) be modified to reflect the deadlines listed below, or to set  
13 forth dates chosen by the Court:

- 14 1. Close of discovery on Labor Code § 514 and Motor Carrier Act exemptions: extended  
15 from July 8, 2011 to August 5, 2011;
- 16 2. Deadline for filing of Defendants' motion(s) for summary judgment on Labor Code §  
17 514 and Motor Carrier Act exemptions: extended from July 22, 2011 to August 19,  
18 2011;
- 19 3. Deadline for filing Plaintiffs' opposition to above motion(s) and cross-motion:  
20 extended from August 12, 2011 to September 9, 2011;
- 21 4. Deadline for reply on Defendants' motion(s) and opposition to cross-motion:  
22 extended from August 19, 2011 to September 16, 2011;
- 23 5. Hearing on above motion(s): continued from September 9, 2011 to October 7, 2011,  
24 9:00 a.m.;
- 25 6. Deadline for parties to complete mediation: extended from August 5, 2011 (before  
26 hearing on motion for summary judgment) to October 28, 2011;
- 27 7. Deadline for Plaintiffs to file motion for class certification: extended from March 2,  
28 2012 to March 23, 2012;

8. Deadline for Defendants to file opposition to motion for class certification: extended from April 20, 2012 to May 11, 2012;

9. Deadline for Plaintiffs to file reply on motion for class certification: extended from June 8, 2012 to June 29, 2012;

10. Hearing on motion for class certification: continued from June 29, 2012 to July 20, 2012, 9:00 a.m.

11. Case Management Conference: continued from August 10, 2012 to August 31, 2012.

SO STIPULATED.

In compliance with General Order No. 45 (X), as filing party, Defendants attest that all signatories below concur in the filing of this document.

DATED: June 30, 2011

MAYER BROWN LLP  
JOHN NADOLENCO  
JEROME JAUFFRET  
KRISTEN ROWSE

By: /s/ John Nadolenco  
John Nadolenco  
Attorneys for Defendants  
SARA LEE CORPORATION, SARA LEE  
BAKERY GROUP and EARTHGRAINS  
BAKING COMPANIES, INC.

DATED: June 30, 2011


SPIRO MOSS LLP

By: /s/ Ira Spiro  
Ira Spiro  
Attorneys for Plaintiffs

**~~PROPOSED~~ ORDER**

SO ORDERED as stated in paragraphs 1 through 11 above.

DATED: July 19, 2011

  
MAXINE M. CHESNEY  
United States District Judge